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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,874	03/31/2001	Carolyn Ramsey Catan	US010157	7124

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/823,874	CATAN, CAROLYN RAMSEY <i>JK</i>
Examiner	Art Unit	
Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 16 June 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-7 and 14-17 is/are allowed.

6)  Claim(s) 8-12 is/are rejected.

7)  Claim(s) 13 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ .      6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Request for Continued Examination filed 16 June 2003.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8-11 is rejected under 35 U.S.C. 102(b) as being anticipated by Montanari et al. (US 5,478,990; hereinafter “Montanari”).

Montanari teaches a method for tracking descriptive information about a changeable article, comprising the steps of:

attaching a machine readable label (MRL) having a unique code to an article;

at a first location, storing a correlation between descriptive information about the article and the unique code in a data store; and

at one or more second locations, reading the unique code to obtain at least a portion of the descriptive information using the correlation in the data store (see figs. 1-6; col. 6, lines 10-36; col. 7, lines 39-61; col. 10, lines 19-27; col. 10, lines 51-61; col. 11, lines 8-61; col. 14, lines 11-16).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montanari in view of O’Hagan et al. (US 5,821,512). The teachings of Montanari have been discussed above.

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Montanari fails to specifically teach a tracking information system wherein the correlation in the data store is automatically deleted.

O'Hagan teaches a system for tracking information 18 wherein the correlation in the data store is automatically deleted responsively to one or more predetermined events (see fig. 6, step 318; col. 11, lines 4-34).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known automatic data deletion as taught by O'Hagan to the teachings of Montanari in order to ease the users from tracking the items themselves (i.e., one will automatically delete the item from the list if the item had been sold out) and to further prevent unwanted duplication of items being processed/purchased.

***Allowable Subject Matter***

5. Claims 1-7 and 14-17 are allowed.
6. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is an examiner's statement of reasons for allowance:

Montanari as modified by O'Hagan fails to teach a step of the correlation in the data store is automatically deleted responsively to one or more predetermined events, wherein the one or more predetermined events includes the passage of a predetermined period of time after the step of storing a correlation, and wherein data including profile data characterizing a user and/or user preferences.

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One of ordinary skill in the art would not have been motivated to modify the teachings of Montanari as modified by O'Hagan in order to obtain a step of the correlation in the data store is automatically deleted responsively to one or more predetermined events, wherein the one or more predetermined events includes the passage of a predetermined period of time after the step of storing a correlation, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

8. In response to the Applicant's argument that "Montanari patent does not disclose or suggest "at a first location, storing a correlation between descriptive information about said article and said unique code in a data store; and at one or more second locations, reading said unique code to obtain at least a portion of said descriptive information using said correlation in said data store" (page 4, 3<sup>rd</sup> paragraph, lines 3-8), the examiner respectfully request the Applicant to further review Montanari by giving its broadest interpretation; wherein "the tag TN identifying a particular food product at a certain point in the production process" (abstract; col. 3, lines 1-3) which serves as a unique code; "the tracking number is maintained as the animal is transferred from raiser, distributor, and consumer" (col. 3, lines 40-43) and "The labels produced during the process are periodically scanned in different stages of the process to add additional information thereto..." (col. 3, lines 49-54) which serves as "at a first location, storing a correlation between descriptive information about said article and said unique code in a data

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store; and at one or more second locations, reading said unique code to obtain at least a portion of said descriptive information using said correlation in said data store”.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lindsey et al. (US 5,063,507) teaches goods database employing electronic title or documentary-type title.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN



THIEN M. LE  
PRIMARY EXAMINER